

REMARKS/ARGUMENTS

As a result of this Amendment, claims 2 and 4-24 are under active consideration in the subject patent application.

In the Official Action, the Examiner has:

- (1) acknowledged Applicants' election of claims 2 and 4-24;
- (2) rejected claims 2, 4-15, and 17-23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No US2003/0066381 A1, issued to Lewis et al. (the "Lewis reference");
- (3) rejected claims 16 and 24 under 35 U.S.C. §103(a) in view of U.S. Patent Application Publication No US2003/0066381 A1, issued to Lewis et al. and U.S. Patent No. 5,587,880, issued to Phillips et al. (the "Phillips reference"); and
- (4) identified prior art made of record and not relied upon but considered pertinent to Applicant's disclosure.

With regard to Item 1, no further comment appears to be necessary.

With regard to Item 2, the Lewis reference was published on April 10, 2003, based upon an Application Serial No. 10/243,359, that was filed September 12, 2002, and which claimed priority from a provisional patent Application, Serial No. 60/322,767, that was filed on September 17, 2001. The instant application was filed on September 26, 2001. Thus, the Lewis reference relies upon an earliest date of priority that is less than one year prior to the filing date of the instant application.

The claims of the Lewis reference are directed to a wholly distinct and separate invention when compared to Applicants' claimed invention. Applicants respectfully submit that the Lewis reference is not valid prior art with respect to the instant Application, since the present invention was conceived prior to the earliest claimed priority date of the Lewis reference, i.e., September 17, 2001, and was constructively reduced to practice on September 26, 2001. Two Affidavits under 37 CFR §1.131 are being filed herewith affirming conception of the invention prior to September 17, 2001, and diligent efforts undertaken to reduce the invention to practice.

Accordingly, since the Lewis reference is not valid prior art with respect to Applicant's invention, reconsideration and withdrawal of the rejection of claims 2, 4-15, and 17-23 under 35 U.S.C. §102(e) are respectfully requested.

With regard to Item 3, the Examiner's rejection of claims 16 and 24 under 35 U.S.C. §103 relies upon a combination of the disclosure contained in the Lewis reference with that of the Phillips reference, and since the Lewis reference is not a valid prior art reference, the Examiner's proposed combination is also invalid, see, MPEP §715.02. As such, the Examiner has failed to establish a *prima facie* case under 35 U.S.C. §103. As admitted by the Examiner, claims 16 and 24 are patentable over the Phillips reference alone. Withdrawal of these rejections is respectfully requested.

With regard to Item 4, Applicants have reviewed the additional prior art identified by the Examiner in the Official Action, but not relied upon in making the rejections of claims 2 and 4-24. These references, whether taken alone, or in

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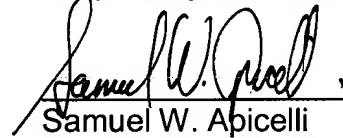
any valid combination with Phillips, neither teach nor suggest Applicant's invention as defined by claims 2 and 4-24.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicants' undersigned Attorney invites the Examiner to telephone him at 717-237-5516.

Date: 11/12/03

Respectfully Submitted,



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